

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JILLIAN RIGHTMYER</b>	:	<b>CIVIL ACTION</b>
<i>Plaintiff</i>	:	
	:	
	:	<b>NO. 23-1925</b>
<b>v.</b>	:	
	:	
<b>PHILLY PREGNANCY CENTER,</b>	:	
<b>P.C., et al.</b>	:	
<i>Defendants</i>	:	

**ORDER**

**AND NOW**, this 1<sup>st</sup> day of March 2024, upon consideration of Defendant Theresa Smigo's *motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6)*, (ECF 11), Plaintiff's response in opposition, (ECF 14), and the allegations in the amended complaint, (ECF 9), it is hereby **ORDERED**, for the reasons set forth in the accompanying Memorandum Opinion, that:

- (1) Defendant's motion to dismiss is **GRANTED** with respect to Count III of the amended complaint (breach of contract) and Count V of the amended complaint (violation of the Affordable Care Act); and
- (2) Defendant's motion to dismiss is **DENIED** with respect to Count VII of the amended complaint (intentional infliction of emotional distress).

It is further **ORDERED** that Defendant Theresa Smigo shall file an answer to the remaining claims asserted against her in the amended complaint by March 14, 2024.

**BY THE COURT:**

/s/ Nitzia I. Quiñones Alejandro  
**NITZA I. QUIÑONES ALEJANDRO**  
*Judge, United States District Court*